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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/853,653 05/14/2001 Tomohisa Nishikawa Q64382 7121 12/15/2004 EXAMINER SUGHRUE, MION, ZINN, JOHNSTONE, ADRIENNE C MACPEAK & SEAS, PLLC ART UNIT 2100 Pennsylvania Avenue, NW PAPER NUMBER Washington, DC 20037-3213 1733

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Communication Re: Appeal	Application No.	Applicant(s)
	09/853,653	NISHIKAWA ET AL.
	Examiner	Art Unit
	Adrienne C. Johnstone	1733
The MAILING DATE of this communication appear	s on the cover sheet with th	ne correspondence address
1. The Notice of Appeal filed on is not accept	otable because:	
(a) it was not timely filed.		
(b) the statutory fee for filing the appeal was no	ot submitted. See 37 CFR 1.	17(b).
(c) the appeal fee received on was not timely filed.		
(d) the submitted fee of \$ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$		
(e) the appeal is not in compliance with 37 CFI rejection in this application.	R 1.191 in that there is no rec	ord of a second or a final
(f) a Notice of Allowability, PTO-37, was mailed by the Office on		
2. The appeal brief filed on is NOT acceptable for the reason(s) indicated below:		
(a) the brief and/or brief fee is untimely. See 37 CFR 1.192.		
(b) the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).		
(c) the submitted brief fee of \$ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$		
The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).		
3. The appeal in this application is DISMISSED bec.	ause:	
(a) the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.		
(b)		
(c) Request for Continued Examination (RCE)	under 37 CFR 1.114 was filed	I on
(d) other:		
4. Because of the dismissal of the appeal, this application	cation:	
(a) 🛛 is abandoned because there are no allowed	claims.	
 (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED. 		
(c) ☐ is before the examiner for consideration of the to 37 CFR 1.114.	Adrier Prima	has been reopened pursuant NUML Inne C. Johnstope ry Examiner nit: 1733

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